

# In the Court of Appeals of the State of Alaska

**Richard DeRemer,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-13002**

## **Order**

Motion to Enforce Temporary  
Restraining Order & Motion to Accept  
Late-Filed Response

Date of Order: **11/7/2019**

Trial Court Case No. **3PA-17-01363CI, 3PA-04-02795CR,**

The Appellant, Richard DeRemer, is a prisoner in state custody who represents himself on appeal. This Court previously granted his request for a temporary restraining order to prevent the Department of Corrections from restricting his access to legal property. DeRemer has now filed a motion to enforce the temporary restraining order, alleging he has been moved to a different correctional facility and that the Department has refused to move his legal property. As a remedy, DeRemer asks this Court to order the Department to ship all of his property at no expense.

The Department has filed a response and a motion to accept its late-filed response, which this Court grants. In the response, Matthias R. Cicotte, counsel for the Department, states that after investigating the matter, he confirmed that the Department had not permitted DeRemer to ship his legal materials without paying for them. Cicotte further states that Goose Creek Correctional Center Assistant Superintendent Michelle Garner advised Cicotte on October 21, 2019 that “she would presently authorize the mailing of DeRemer’s legal materials to [Spring Creek Correctional Center] at DOC’s expense.”

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Accordingly, **IT IS ORDERED:**

1. DeRemer's motion to enforce the restraining order is partially **GRANTED**. The Department must ensure all of DeRemer's legal property is shipped to him at no cost. This order applies only to legal property, and not to other personal property.

2. The Department must file a status report on or before **November 18, 2019** informing this Court whether DeRemer's legal property has been returned to him and, if not, what the Department is doing to ensure the property is returned as soon as possible. The status report must be accompanied by an affidavit.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

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Sarah Anderson, Deputy Clerk

**Distribution:**

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